

SIMS, DAVON

Vs

GREENWOOD MOTOR LINES INC

TABLE OF CONTENTS

Document Index	Date Filed	Page
COMPLAINT	12/23/2020	1 - 5
CORRESPONDENCE		6 - 7
Receipt_20000047195.pdf		8 - 8
MISCELLANEOUS		9 - 10
SPECIAL PROCESS SERVER - COMPLAINT - BUSINESS - GREENWOOD MOTOR LINES INC	12/07/2021	11 - 13
SPECIAL PROCESS SERVER - COMPLAINT - CERTIFICATE OF SERVICE - VAN DER WERKEN, PAUL ALAN	12/07/2021	14 - 16
SPECIAL PROCESS SERVER - COMPLAINT - CERTIFICATE OF SERVICE - R & L TRANSFER INC	12/07/2021	17 - 19
SPECIAL PROCESS SERVER - COMPLAINT - CERTIFICATE OF SERVICE - R & L TRANSFER LLC	12/07/2021	20 - 22

EXHIBIT**1**

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

DAVON SIMS,

Plaintiff,

v.

**Case No.: _____
PLAINTIFF DEMANDS TRIAL
BY JURY**

GREENWOOD MOTOR LINES, INC. d/b/a R & L CARRIERS, INC.,

**Serve: c/o Registered Agent, CT Corporation System
4701 Cox Road; Suite 285
Glen Allen, Virginia 23060-6808
(Henrico County, Virginia)**

PAUL ALAN VAN DER WERKEN,

**Serve: Paul Alan Van Der Werken
201 Westlynn Drive
Lebanon, Tennessee 37087
(Wilson County, Tennessee)**

R&L TRANSFER, LLC,

R&L TRANSFER, INC.,

JOHN DOE 1, and

JOHN DOE 2

Defendants.

COMPLAINT

NOW COMES the Plaintiff, Davon Sims, by counsel, and respectfully moves this Honorable Court for judgment against the Defendants Greenwood Motor Lines, Inc. d/b/a R & L Carriers, Inc., R&L Transfer, LLC, R&L Transfer, Inc., Paul Alan Van Der Werken, John Doe 1, and John Doe 2 jointly and severally, in the sum of FOUR HUNDRED FIFTY THOUSAND

DOLLARS (\$450,000.00) in compensatory damages, together with the cost of this action, and pre-judgment interest from December 28, 2018, on the grounds set forth below:

PARTIES

1. The plaintiff is Davon Sims ("Plaintiff"), whose date of birth is September 4, 1987.
2. Defendant Greenwood Motor Lines, Inc. d/b/a R & L Carriers, Inc. ("Greenwood Motor Lines") is a foreign corporation with its principal place of business in Wilmington, Ohio and is engaged in the shipping and hauling of freight.
3. Defendant Paul Alan Van Der Werken ("Van Der Werken") was the driver of the tractor-trailer involved in the subject Crash.
4. Upon information and belief, Defendant Van Der Werken is a citizen of Tennessee and resides in Wilson County, Tennessee.
5. Defendant R&L Transfer, LLC is a foreign corporation with its principal place of business in Alexandria, Indiana and is engaged in the shipping and hauling of freight.
6. Defendant R&L Transfer, Inc. is a foreign corporation with its principal place of business in Wilmington, Ohio and is engaged in the shipping and hauling of freight.
7. Defendant John Doe 1 is an unknown defendant believed to be the operator of the tractor-trailer involved in the subject Crash.
8. Defendant John Doe 2 is an unknown defendant believed to be the owner of the tractor-trailer involved in the subject Crash.
9. At all times relevant hereto, Werken was an employee of Defendants Greenwood Motor Lines, R&L Transfer, LLC, R&L Transfer, Inc., and/or John Doe 2 acting within the scope of his employment.

FACTUAL ALLEGATIONS

10. On or about December 28, 2018, Plaintiff was the front seat passenger in a 2019 Nissan Sonata being driven by his girlfriend who was driving that vehicle southbound on Interstate-81 in Rockbridge County, Virginia.

11. At the same time and place, while acting within the scope of his employment/ agency with Defendants Greenwood Motor Lines, R&L Transfer, LLC, and/or R&L Transfer, Inc., Defendant Van Der Werken or John Doe 1 was driving a tractor-trailer, owned by Defendants Greenwood Motor Lines, R&L Transfer, LLC, R&L Transfer, Inc., and/or John Doe 2 southbound on Interstate-81 in Rockbridge County, Virginia.

12. Defendant Van Der Werken or John Doe 1 unlawfully failed to yield the right of way when he allowed the tractor-trailer he was operating to enter the lane occupied by the vehicle in which Plaintiff Davon Sims was a passenger. In doing so, Defendant Van Der Werken or John Doe 1 struck the passenger side of that vehicle, causing it to become attached to the trailer he was operating.

13. The impact between the tractor-trailer and the vehicle occupied by Plaintiff caused the vehicle occupied by Plaintiff to strike the guard rail, rotate across the highway and then strike the jersey wall twice.

14. Paragraphs 10 and 11 shall be collectively referred to hereinafter as "the Crash."

15. As a result of the Crash, Plaintiff suffered multiple, serious injuries.

CAUSES OF ACTION

COUNT 1 NEGLIGENCE

(Against All Defendants)

16. The Plaintiff hereby incorporated by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and

every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

17. Van Der Werken or John Doe 1 was negligent for failing to keep a proper lookout while operating his tractor-trailer, for failing to keep his tractor-trailer under proper control, for causing his tractor-trailer to crash into the vehicle occupied by Plaintiff, which proximately caused, for failing to comply with the state laws and/or ordinances applicable to individuals operating motor vehicles in the Commonwealth of Virginia, and for otherwise being negligent in the operation of his tractor-trailer.

18. Van Der Werken's or John Doe 1's actions constitute negligence, negligence *per se*, gross negligence, and/or willful and wanton negligence.

19. Defendants Greenwood Motor Lines, R&L Transfer, LLC, R&L Transfer, Inc., and/or John Doe 2 are liable for the negligence, negligence *per se*, gross negligence, and/or willful and wanton negligence of Van Der Werken or John Doe 1.

20. The negligence, negligence *per se*, gross negligence, and/or willful and wanton negligence of all Defendants was a proximate cause of the Crash and Plaintiff's damages.

DAMAGES

21. The Plaintiff hereby incorporated by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

22. As a direct and proximate result of the Defendants' negligence, negligence *per se*, gross negligence, and/or willful and wanton negligence, the Plaintiff suffered damages in the following particulars:

- a. Bodily injuries both permanent and nonpermanent in nature which have affected the Plaintiff's health;
- b. Past, present and future physical pain;
- c. Past, present, and future mental anguish;
- d. Past, present and future inconvenience;
- e. Past, present, and future deformity and disfigurement and related embarrassment;
- f. Past, present and future medical expenses;
- g. Past, present and future lost earnings and a lessening of earning capacity; and
- h. Other out-of-pocket expenses and damages resulting from this occurrence.

WHEREFORE, the Plaintiff demands judgment Defendants Greenwood Motor Lines, Inc. d/b/a R & L Carriers, Inc., R&L Transfer, LLC, and R&L Transfer, Inc., Paul Alan Van Der Werken, John Doe 1, and John Doe 2 jointly and severally, in the sum of FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00) in compensatory damages, together with the cost of this action, and pre-judgment interest from December 28, 2018.

A TRIAL BY JURY IS HEREBY DEMANDED

DAVON SIMS

By: _____

Of Counsel

Kevin Biniazan, Esquire (VSB No. 92109)
BREIT CANTOR GRANA BUCKNER, PLLC
Towne Pavilion Center II
600 22nd Street, Suite 402
Virginia Beach, Virginia 23541
Telephone: (757) 622-6000
Facsimile: (757) 299-8028
kbiniazan@breitcantor.com
COUNSEL FOR PLAINTIFF

BREITCANTOR
BREIT · CANTOR · GRANA · BUCKNER

RECEIVED AND FILED
CIRCUIT COURT
DEC 07 2021
EDWARD F. JEWETT, CLERK
BY _____ D.C.

December 7, 2021

HAND DELIVERED

Honorable Edward F. Jewett, Clerk
Richmond Circuit Court
400 North Ninth Street
John Marshall Courts Building
Richmond, VA 23219

Re: *wood q*
Davon Sims v. Green Motor Lines, Inc., d/b/a R & L Carriers, Inc. et al.
CL20006508-00

Dear Honorable Edward F. Jewett:

Enclosed please find 8 copies of the complaint previously filed December 23, 2020 in the above-referenced matter. I kindly ask that you please prepare the complaint for service on the following Defendants:

Additionally I ask this request for Proof of Service and Summons, for all four Defendants, be EXPEDITED in order to achieve service within the allowed timeframe. The deadline to serve this complaint is December 23, 2021.

GREENWOOD MOTOR LINES, INC. d/b/a R & L CARRIERS, INC.,
SERVE: c/o Registered Agent, CT Corporation System
4701 Cox Road, Suite 285
Glen Allen, Virginia 23060-6808

PAUL ALAN VAN DER WERKEN
SERVE: Secretary of the Commonwealth
201 Westlynn Drive
Lebanon, TN 37087

R&L TRANSFER, INC.
SERVE: Secretary of the Commonwealth
Registered Agent: CT CORPORATION SYSTEM
4400 Easton Commons Way, Columbus, OH 43219

R&L TRANSFER, LLC.
SERVE: Secretary of the Commonwealth
Registered Agent: CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Please call Kylee Vanboening at 757-670-3889 when the documents are ready to be picked up. They will be served by private process server and through the Secretary of the Commonwealth.

Thank you for your assistance in this matter.

Very truly yours,



Kevin Biniazan

CREDIT CARD NUMBER (LAST 4 DIGITS) : 4014
CARD TRANSACTION DATE : 12/23/2020 16:07:42



OFFICIAL RECEIPT
RICHMOND CITY CIRCUIT COURT
CIVIL

CASE # : 760CL2000650800

DATE : 12/23/2020

TIME : 16:07:42

RECEIPT # : 20000047195 TRANSACTION # : 20122300191

CASHIER : CMH REGISTER # : EFL

CASE COMMENTS : SIMS, DAVON v. GREENWOOD MOTOR LINES, I

SUIT AMOUNT : \$450,000.00

ACCOUNT OF : SIMS, DAVON

PAID BY : BREIT CANTOR GRANA BUCKNER, LL

CREDIT/DEBIT CARD : \$301.92

DESCRIPTION 1 : PLAINTIFF: SIMS, DAVON
2 : NO HEARING SCHEDULED

FILING TYPE : MV

PAYMENT : FULL PAYMENT

ACCOUNT CODE	DESCRIPTION	PAID
049	WRIT TAX (CIVIL)	\$25.00
106	TECHNOLOGY TRST FND	\$5.00
123	LEGAL AID SERVICES	\$9.00
147	INDIGENT ASSISTANCE (INA)	\$1.00
170	COURT TECHNOLOGY FUND	\$10.00

ACCOUNT CODE	DESCRIPTION	PAID
219	LAW LIBRARY	\$4.00
229	COURTHOUSE MAINTENANCE FEE (CHMF)	\$2.00
304	CIVIL FILING FEE (LAW & EQUITY)	\$240.00
407	CONVENIENCE FEE	\$5.92

TENDERED : \$ 301.92

AMOUNT PAID : \$ 301.92

Crigger, John B. - Circuit Court

From: Crigger, John B. - Circuit Court
Sent: Tuesday, December 7, 2021 2:13 PM
To: 'KVanboening@BreitCantor.com'
Cc: 'KBiniazan@BreitCantor.com'
Subject: CL20-6508 (SIMS, Davon v. Greenwood Lines, Inc., et al.)

Importance: High

Hello!

Service documents on **Greenwood Motor, P. Van Der Werken, R&L Transfer Inc., and R&L Transfer LLC** have been placed in the generic overflow box/bin (bottom left-hand corner of all boxes/bins across from the fax machine) since a specific process server was not specified in your cover letter. 'Breit Cantor' will be written across the bottom of the first page.

John Crigger
Deputy Clerk
Richmond Circuit Court

Crigger, John B. - Circuit Court

From: Kevin Biniazan <kbiniazan@breitcantor.com>
Sent: Tuesday, December 7, 2021 2:14 PM
To: Crigger, John B. - Circuit Court
Subject: Read: CL20-6508 (SIMS, Davon v. Greenwood Lines, Inc., et al.)
Attachments: Read: CL20-6508 (SIMS, Davon v. Greenwood Lines, Inc., et al.)

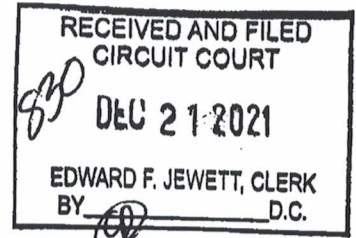
Importance: High

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT
Civil Division
400 NORTH 9TH STREET
RICHMOND VA 23219



Virginia:
In the RICHMOND CITY CIRCUIT COURT

Proof of Service

Case number: 760CL20006508-00
Service number: 001
Service filed: December 23, 2020
Judge:

Served by: SPECIAL PROCESS SERVER
Style of case: DAVON SIMS vs GREENWOOD MOTOR LINES INC
Service on: GREENWOOD MOTOR LINES INC
D/B/A R & L CARRIERS, INC.
SERVE: CT CORPORATION SYSTEM,
REGISTERED AGENT
4701 COX ROAD, SUITE 285
GLEN ALLEN VA 23060-6808

Attorney: BINIAZAN, KEVIN
7130 GLEN FOREST DRIVE, #400
RICHMOND VA 23226
757.670.3889

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, December 07, 2021 with a copy of the Complaint filed Wednesday, December 23, 2020 attached.

Hearing date :

Service issued: Tuesday, December 07, 2021

For Sheriff Use Only

Breit Cantor SP5
Page 11

Service Authorization CT Corporation System

CT Corporation System ("CT") is registered agent for service of process for numerous corporations and similar entities. CT receives the process only in its capacity as a commercial registered agent. The individuals designated below are employees of CT Corporation System and in receiving the process, do so only on CT's behalf and in CT's capacity as registered agent.

PLEASE NOTE: The Code of Virginia §§ 13.1-634 provides in part:

"Registered office and registered agent.

A....

B. The sole duty of the registered agent is to forward to the corporation at its last known address any process, notice or demand that is served on the registered agent."

As such, neither CT Corporation System, nor its individual employees designated below, have the duty or the ability to respond to any legal process, notice or demand that is served on CT's clients.

The following natural persons are designated in the office of the registered agent upon whom any process, notice or demand may be served:

Katie Bush

Teresa Brown

Julie Parrish

This authorization does not certify the receipt or acceptance of any specific process



Teresa Brown
Team Leader
CT Corporation System

State of Virginia
County of Henrico

This day personally appeared before me, Teresa Brown, who name is signed above and who, being first duly sworn, upon her oath, state that the foregoing Affidavit is true to the best of her knowledge and belief.

Subscribed and sworn before me this 25th day of March, 2021.



Notary Public



AFFIDAVIT OF SERVICE

COMMONWEALTH OF VIRGINIA

SERVICE OTHER THAN BY VIRGINIA SHERIFF

in the:

RICHMOND CIRCUIT COURT

STATE/Commonwealth of:
VA

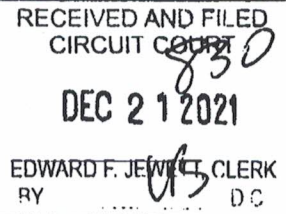
487624 - 1

DAVON SIMS

CASE NO:

In re / v.

GREENWOOD MOTOR LINES INC

760CL20006508-00**REGISTERED AGENT**

GREENWOOD MOTOR LINES INC D/B/A R & L CARRIERS, INC. CT CORP SYSTEM
4701 COX ROAD, STE 285, GLEN ALLEN, VA 23060

is the name and address of the person upon whom service of the following is to be made.

Document(s) **SUMMONS issued on: 12/7/2021**
 Served: **with a copy of the COMPLAINT filed on: 12/23/2020**

I, the undersigned swear/affirm that I am a private process server, I am not a party to, or otherwise interested in the subject matter in controversy in this case, I am 18 years of age or older, and I served as shown below, the above named person upon whom service of process was to be made with copies described above.

Date and time of service: **12/10/2021 @ 2:15 PM**

METHOD OF SERVICE:

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to person found in charge of usual place of business or employment during business hours and giving information of its purport Service accepted by:

JULIE PARRISH

Dated: 12/13/2021

Signature

COMMONWEALTH OF VIRGINIA
 CITY OF POQUOSON

Name: MICHAEL L McWHORTER, CoVAPPS Certification No. 00-0016

Subscribed and sworn to/affirmed before me this day by

MICHAEL L McWHORTER

who is personally known to me.

Date: 12/13/2021

My commission expire 1/31/2023

Signature of Notary Public:

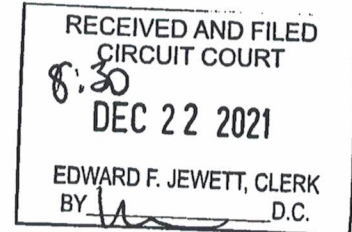
JEKECIA K. JEFFERSON, REG #7127290

JEKECIA K. JEFFERSON, REG #7127290
 Notary Public
 Commonwealth of Virginia
 My Commission Expires: 1/31/2023

COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT
Civil Division
400 NORTH 9TH STREET
RICHMOND VA 23219



Proof of Service

Virginia:

In the **RICHMOND CITY CIRCUIT COURT**

Case number: 760CL20006508-00

Service number: 002

Service filed: December 23, 2020

Judge:

Served by: SPECIAL PROCESS SERVER

Style of case: DAVON SIMS vs GREENWOOD MOTOR LINES INC

Service on: PAUL ALAN VAN DER WERKEN

SERVE: SECRETARY OF
THE COMMONWEALTH
201 WESTLYNN DRIVE
LEBANON TN 37087

Attorney: BINIAZAN, KEVIN

7130 GLEN FOREST DRIVE, #400
RICHMOND VA 23226
757.670.3889

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, December 07, 2021 with a copy of the Complaint filed Wednesday, December 23, 2020 attached.

Hearing date :

Service issued: Tuesday, December 07, 2021

For Sheriff Use Only

AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

Richmond City Circuit Court

Case No. 760CL20006508-00

Circuit Court

Davon Sims

600 22nd Street suite 402

Virginia Beach VA, 23451

V.

Paul Alan Van Der Werken

201 Westlynn Drive

Lebanon TN, 37087

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☒ Summons and Complaint☐ NoticeRECEIVED AND FILED
CIRCUIT COURT

DEC 22 2021

EDWARD F. JEWETT, CLERK
BY D.C.

I, the undersigned Affiant, state under oath that

☒ the above-named defendant

whose last known address is

☒ same as above1. ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

[] is the hearing date and time on the attached process or notice (if applicable).

12/8/2021

DATE

☐ PARTY ☒ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND BONA FIDE EMPLOYE

State of Virginia

☒ City ☐ County of Va Beach

Acknowledged, subscribed and sworn to before me this day by

Kevin Biniagan

PRINT NAME OF SIGNATORY

12/8/2021

DATE

☐ CLERK ☐ MAGISTRATE ☐ NOTARY PUBLIC

Notary Registration No. 213750 My commission expires:

☐ Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.**NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:**

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

DEC 14 2021

1. On [] , legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.

DEC 17 2021

2. On [] , papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

NON-RESIDENCE GROUNDS REQUIREMENT:

If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or things in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth;
7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;
- 8(ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having *in personam* jurisdiction over such person; or
9. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

DUE DILIGENCE REQUIREMENT:

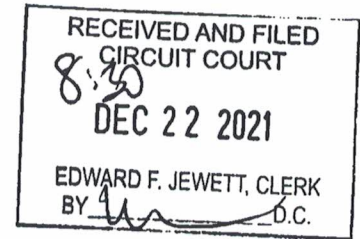
If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has been unable, after exercising due diligence, to locate the person to be served.

COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT
Civil Division
400 NORTH 9TH STREET
RICHMOND VA 23219



Proof of Service

Virginia:

In the RICHMOND CITY CIRCUIT COURT

Case number: 760CL20006508-00

Service number: 003

Service filed: December 23, 2020

Judge:

Served by: SPECIAL PROCESS SERVER

Style of case: DAVON SIMS vs GREENWOOD MOTOR LINES INC

Service on: R & L TRANSFER INC

SERVE: SECRETARY OF THE
COMMONWEALTH, SERVE: CT
CORPORATION SYSTEM, REG AGT
4400 EASTON COMMONS WAY
COLUMBUS OH 43219

Attorney: BINIAZAN, KEVIN

7130 GLEN FOREST DRIVE, #400
RICHMOND VA 23226
757.670.3889

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, December 07, 2021 with a copy of the Complaint filed Wednesday, December 23, 2020 attached.

Hearing date :

Service issued: Tuesday, December 07, 2021

For Sheriff Use Only

AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

Richmond City Circuit Court

Case No. 760CL20006508-00

Circuit Court

Davon Sims

600 22nd Street suite 402

Virginia Beach VA, 23451

V.

R & L TRANSFER INC.

Ra: CT CORPORATION SYSTEM 4400 Easton

Columbus OH, 43219

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☒ Summons and Complaint☐ NoticeRECEIVED AND FILED
CIRCUIT COURT

DEC 22 2021

EDWARD F. JEWETT CLERK
RY D.C.

I, the undersigned Affiant, state under oath that

☒ the above-named defendant

whose last known address is

☒ same as above1. ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

is the hearing date and time on the attached process or notice (if applicable).

12/8/2021
DATE

State of Virginia

☐ PARTY ☒ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR ANDCity ☒ County of Va Beach

Acknowledged, subscribed and sworn to before me this day by Kenix Biniazan

PRINT NAME OF SIGNATORY

12/8/2021
DATE☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLIC

Notary Registration No. 213750 My commission expires: 4-30-2023

☐ Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.**NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:**

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

DEC 14 2021

1. On DEC 14 2021, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.

DEC 17 2021

2. On DEC 17 2021, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

NON-RESIDENCE GROUNDS REQUIREMENT:

If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or things in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth;
7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;
- 8(ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having *in personam* jurisdiction over such person; or
9. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

DUE DILIGENCE REQUIREMENT:

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has been unable, after exercising due diligence, to locate the person to be served.

COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT
Civil Division
400 NORTH 9TH STREET
RICHMOND VA 23219

Proof of Service

Virginia:

In the **RICHMOND CITY CIRCUIT COURT**

Case number: 760CL20006508-00

Service number: 004

Service filed: December 23, 2020

Judge:

Served by: **SPECIAL PROCESS SERVER**

Style of case: **DAVON SIMS vs GREENWOOD MOTOR LINES INC**

Service on: **R & L TRANSFER LLC**

**SERVE: SECRETARY OF THE
COMMONWEALTH, SERVE: CT
CORPORATION SYSTEM, REG AGT
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324**

Attorney: **BINIAZAN, KEVIN**

**7130 GLEN FOREST DRIVE, #400
RICHMOND VA 23226
757.670.3889**

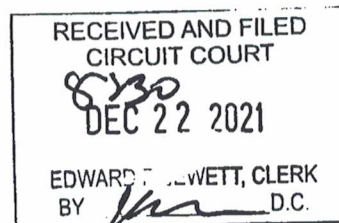
Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, December 07, 2021 with a copy of the Complaint filed Wednesday, December 23, 2020 attached.

Hearing date :

Service issued: Tuesday, December 07, 2021

For Sheriff Use Only



AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH

Commonwealth of Virginia

VA. CODE §§ 8.01-301, -310, -329; 55-218, -317-31

Richmond City Circuit Court

RECEIVED AND FILED
CIRCUIT COURT

8:30

DEC 22 2021

760CL20006508-00

EDWARD F. JEWETT, CLERK
By *[Signature]* D.C.

Circuit Court

Davon Sims

600 22nd Street suite 402

Virginia Beach VA, 23451

V.

R & L TRANSFER LLC

RA: CT CORPORATION SYSTEM 1200 SOUTH

PLANTATION FL, 33324

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☒ Summons and Complaint☐ Notice

I, the undersigned Affiant, state under oath that

☒ the above-named defendant

whose last known address is

☒ same as above1. ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

[] is the hearing date and time on the attached process or notice (if applicable).

12/8/2021
DATE☐ PARTY ☒ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND

State of Virginia

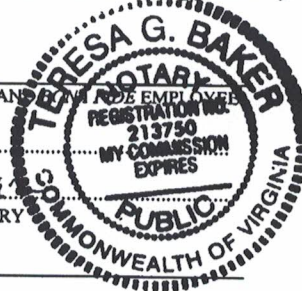
☒ City ☐ County of Va Beach

Acknowledged, subscribed and sworn to before me this day by

Kerin Asinizer
PRINT NAME OF SIGNATORY12/8/2021
DATE☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLIC

Notary Registration No. 213750

My commission expires: 4-30-2023

☐ Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.**NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:**

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

DEC 14 2021

1. On DEC 14 2021, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.

DEC 17 2021

2. On DEC 17 2021, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

[Signature]
SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

NON-RESIDENCE GROUNDS REQUIREMENT:

If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or things in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth;
7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;
- 8(ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having *in personam* jurisdiction over such person; or
9. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

DUE DILIGENCE REQUIREMENT:

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has been unable, after exercising due diligence, to locate the person to be served.